

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 581 of 2020**

- Jitendra Kumar Gautam S/o Harimilan Prasad Gautam, Aged About 23 Years R/o Village Mohanpur, P.S. Ahirauli, Kushinagar (Uttar Pradesh), District : Kushinagar *, Uttar Pradesh

---- Applicant**Versus**

- State Of Chhattisgarh Through P.S. Bhatapara (Gramin), District Balodabazar (Chhattisgarh), District : Balodabazar-Bhathapara, Chhattisgarh

---- Respondent

For Applicant	:	Shri B.L.Dembra, Advocate.
For Respondent	:	Shri B.L. Sahu, P.L.

Hon'ble Smt. Justice Rajani Dubey**Order on Board****09/03/2020**

1. The accused/applicant has moved this first bail application under Section 439 of the Code of Criminal Procedure for releasing him on regular bail during trial in connection with Crime No.408/2019 registered at Police Station Bhatapara (Gramin), District Balodabazar(C.G.) for the offence punishable under Sections 363, 366, 376 of the IPC and Sections 4, 6 of the Protection of Children from Sexual Offences Act, 2012.
2. It is the case of the prosecution that father of the prosecutrix lodged a missing report that on 22.10.2018 his daughter went from the house at about 1.30 pm saying that she is going to the Tailer, but thereafter she did not return. On investigation, it was found that the applicant has married her on 23.9.2019 and the prosecutrix was recovered from him.

3. Learned counsel for the applicant submits that the applicant has not committed any offence and he has been falsely implicated in the case. The prosecutrix is aged 16 years and 11 months and she herself had gone with the applicant and live with him. He submits that the applicant is in custody since 26.09.2019 and trial is likely to take some time for its final disposal, therefore, he may be released on bail.
4. On the other hand, counsel for the State opposes the bail application.
5. Considering the facts and circumstances of the case, in particular the nature of allegations against the applicant and the prosecutrix is aged about 16 years and 11 months and detention period of the applicant, I am of the opinion that present is a fit case, in which, the applicant should be enlarged on regular bail.
6. Accordingly, the application filed under Section 439 Cr.P.C. is allowed.
7. It is directed that the applicant shall be released on bail on his furnishing a personal bond in sum of Rs.25,000/- with one surety in like sum to the satisfaction of the concerned trial Court for his appearance before the said Court as and when directed till the disposal of the trial.
8. Certified copy, as per rules.

Sd/

(Rajani Dubey)
Judge